

A MEETING OF THE BOARD OF COMMISSIONERS OF
THE CITY OF SODDY-DAISY, TENNESSEE, WAS HELD
ON THURSDAY, MARCH 5, 2009 AT 7:00 P.M.

MEMBERS PRESENT:
MAYOR SHIPLEY
VICE-MAYOR PRIVETT
COMMISSIONER ADAMS
COMMISSIONER HARMON
COMMISSIONER SKILES
CITY ATTORNEY ELLIOTT
CITY RECORDER BURRIS

Mayor Shipley thanked the police department for escorting the funeral procession of Leon Gravitt, a past police officer.

The minutes of the meeting of February 19, 2009 were presented. Vice-Mayor Privett asked that the minutes reflect that his statement on page 5 read that the City Manager came to his job site on January 22nd, but it could have been January 21st. He asked that this be noted. With this amendment, the minutes were approved as presented.

Mayor Shipley said that due to the amount of citizens present, the agenda will be changed to move citizens’ participation after old and new business.

Old business:

2008-2009 ORDINANCE NO. 6
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM C-2 LOCAL BUSINESS DISTRICT TO R-2 URBAN
RESIDENTIAL DISTRICT, A TRACT OF LAND LOCATED AT
107 WESTBROOK AVENUE. SECOND AND FINAL READING.

Steve Blevins was present on behalf of the rezoning request.

- 1st - Vice-Mayor Privett
- 2nd - Commissioner Adams
- Ayes - Unanimous

2008-2009 ORDINANCE NO. 7
AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE,
REZONING FROM R-2A RURAL RESIDENTIAL DISTRICT AND A-1
AGRICULTURAL DISTRICT TO C-2 LOCAL BUSINESS DISTRICT,
A TRACT OF LAND LOCATED AT 9922 WALDEN STREET.
SECOND AND FINAL READING.

Jim Howard was present on behalf of the rezoning request.

- 1st - Commissioner Adams
- 2nd - Vice-Mayor Privett
- Ayes - Unanimous

New Business:

2008-2009 RESOLUTION NO. 3
A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE,
ADOPTING A PROGRAM POLICIES AND PROCEDURES FOR
THE 2007 HOME HOUSING REHABILITATION PROJECT.

City Recorder Burris explained that this Resolution establishes the guidelines that the City must abide by

in the utilization of grant funds. Mayor Shipley said this was a \$335,000 grant.

- 1st - Commissioner Adams
- 2nd - Commissioner Harmon
- Ayes - Unanimous

2008-2009 RESOLUTION NO. 4
A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE,
SUPPORTING HOUSE BILL 2069 RELATIVE TO THE OPERATION
OF GOLF CARTS ON CERTAIN PUBLIC ROADWAYS.

Vice-Mayor Privett said this was the item he talked about at the last meeting. Representative Cobb is supporting this bill for Rhea County and that requested that the City be included. He added that former Representative Jim Vincent had requested this but for some reason, due to population, it was omitted. City Attorney Elliott said the only way to distinguish between Rhea and Hamilton County areas and to avoid protection issues is by population classifications which is what the Resolution is based on. Commissioner Adams asked if the law is already in place. Vice-Mayor Privett said it was passed in several places and was adopted primarily for parades, etc.

- 1st - Vice-Mayor Privett
- 2nd - Commissioner Adams
- Ayes - Unanimous

Mayor Shipley said the next order of business for discussion pertains to wrecker services. Ronnie McNew, Twin City Wrecker Service, Tommy Hickman, Hickman’s Wrecker Service, and Jeff Higgins, AAA Wrecker Service came before the Commission. City Attorney Elliott said the City had a wrecker ordinance several years ago but that there was a change in federal law that states that the City must honor an owner’s request except in the case where the vehicle is a safety hazard. The City has changed to a policy to honor that change. Mr. Hickman said Chattanooga nor Rhea County is abiding by this policy. He added that with On Star and AAA Auto Club now calling on behalf of the owner, this causes long delays. Mr. Higgins said the district wrecker companies are given 25 minutes but owner request services are given much longer, citing one recently taking more than one and one half hours. Mr. McNew said if this ties up officers at the scene, then you are talking about a cost to the taxpayers. City Attorney Elliott said maybe the City needs to rewrite the policy to better define the safety hazard and officer’s discretion. Vice-Mayor Privett asked the City Attorney if there were guidelines on the federal mandate that says anything about the time frame. City Attorney Elliott said 25 minutes were written in the guidelines but he did not know if this was a part of the federal guidelines. It was stated by the wrecker owners that other cities are not abiding by the 25-minute time frame. Vice-Mayor Privett said if this was tying up officers, which can be two or three at a time, this is costing the city a lot of money. City Attorney Elliott asked to review the policy further. Mr. McNew said he was involved as part of the lawsuit against the City of Chattanooga when the wrecker law was changed, but it did not state specifically how long a wrecker company could take to respond. He said the wrecker companies were involved when the current policy

was written and it was supposed to read that the owner request wreckers were to respond in the same time frame as a district wrecker. If they could not respond in the set time, then a district wrecker was to be called and the owner could have their wrecker company pick up the vehicle at the district's lot. Mr. Hickman registered a complaint of the City pulling or driving cars to the City's impound lot saying the City is taking a lot of liability in driving the cars. Mayor Shipley stated the policy reads 25 minutes and it was his opinion that if the owner's request wrecker cannot make the allotted time, then the district should be called. Mr. McNew said there are now new pull slips for the person to sign if they want an owner's request wrecker, a place for the officer to sign when the scene is cleaned and a place for the wrecker owner to sign. This is the same form used by the State, Red Bank, Chattanooga, Hamilton County and others. Mr. Hickman said the City won't know if an out of town wrecker has the proper insurance. City Attorney Elliott said he understood what he said, but the owner still has the right to call a wrecker of their choice if they can meet the response time. Vice-Mayor Privett suggested finding a 25 minute response radius and require those in that area to provide their insurance coverage if they want to pull in the City. City Attorney Elliott said he didn't think you could do this under the federal law, but he will check. Mayor Shipley suggested that dispatch ask the owner request wrecker if they can respond in the 25 minutes allotted and if not, to call a district one. City Attorney Elliott said only if it is a safety hazard, if not you must allow the owner's request. He added that the officer on the scene could determine if it is a traffic hazard. Mr. Higgins stated another concern whereby a wrecker is called out and may be cancelled. He said he felt once the call has been placed, you should be allowed to get the car. Other owners stated this happens, but can't be avoided. Mr. McNew stated he felt there should be some repercussions or suspension for wreckers that miss or turn down so many calls. After discussion it was decided that the wrecker policy would be reviewed by the City Attorney and the Police Chief.

Citizens' Participation:

Arnold Stulce, 141 Lewis Street, stated his concern over another entrance being paved at the construction site across from the Wal-Mart. He said the new paving is within 100 feet of a traffic light. There are two entrances at red lights, one at Zaxby's and if this one is put in, it will be a real traffic problem. Mayor Shipley said this newly paved area is not on the plans and is not supposed to be there. Mr. Stulce if it no supposed to be there, then it should be taken out. Commissioner Adams agreed asking who is suppose to address this. Public Works Director Renfro said the contractor was working off another set of drawings that weren't approved by the Planning Commission. Mayor Shipley said the entrance should be removed.

Margaret Chastain, 206 Northern Trails Drive, asked to set the record straight by saying she only ran for Commissioner twice and was not a disgruntled person because of her loss. She commented that Vice-Mayor Privett mis-spoke on comments she was supposed to have made and things he said of her really applied to him.

She asked that the Board do what was the best for the City and not for selfish gain.

Allen Lewis, 1004 Holland Johnson Road, asked when hiring individuals to do work in Soddy-Daisy, is the proof of insurance coverage required. He said several months ago he tried to see if this was the case, but was able to get the information. He asked why all are not made to follow the requirements. City Recorder Burris said that this was brought to her attention and that she had sent a memorandum just this week to the department heads making them aware that the requirements for liability and worker's compensation coverages. She added that on the larger annual contracts, it is provided. She also noted that on a sole owner has some exemption until the end of the year. He then asked about the replacement of city manager and if there will be any public knowledge of their credentials or will the Board appoint one without letting the citizens know if the person is qualified. Mayor Shipley said there is a city manager until April 3rd and it was his opinion that it is better to hire locally. Commissioner Adams said that history on this is that the position is advertised, resumes taken, review of them, interviews and then a decision made. Mr. Lewis asked if the new city manager would be in charge of the police department to include hiring and firing. City Attorney Elliott said yes, this is spelled out in the charter.

Mark Blevins, 910 O'Sage Drive, said a couple of years ago approximately three quarters of this road was paved, asking if there were plans to complete this paving. Mayor Shipley asked Public Works Director Renfro to check into this request.

Lori Hartman, 10450 Lovell Road, came before the Board to inquire about putting a replacement mobile home older than six years on her grandmother's property. She said Inspector Steve Grant told her that she could submit pictures to the Commission to get this approved. Vice-Mayor Privett said the latest revision to the ordinance said if at the discretion of the city manager and the inspector the home was an upgrade of 400% to the property, then the home could be replaced. If it is not, then the person could petition the Board further. City Attorney Elliott stated the age limit was expanded to 10 years. Ms. Hartman said this replacement home would be for her grandmother who has been residing with her daughter. City Recorder Burris said she would get with Inspector Grant the following day and contact Ms. Hartman. City Attorney Elliott said that Recorder Burris needs to be clothed with the authority to act in the absence of the city manager. Vice-Mayor Privett made a motion to appoint City Recorder Burris as Interim City Manager on the absence of the present city manager. This motion was seconded by Commissioner Adams and the ayes were unanimous.

Janice Hixson, 211 Johnson Road, said she understood that for a person to speak before this Board they must be a resident of the City and for the past two meetings Mr. Lewis has been allowed to speak. Mr. Lewis stated he has two residences of which one is on Holland Johnson Road. Ms. Hixson said he does not live there, but resides on Gold Point Circle. Vice-Mayor Privett stated that there is not a City ordinance with this

provision, but it can be requested on certain issues. Ms. Hixson said that Mr. Lewis asked that City Manager Cagle and Mayor Shipley be taken out of office when in fact he is not a voting citizen. Mr. Lewis replied that before he spoke, he asked for permission to address the council, adding that he does have two residences. Mayor Shipley said he was made aware after the last meeting that Mr. Lewis resides elsewhere.

Randy Dillon, 1014 Chariot Drive, stated that he was really disappointed on how the city manager issue was handled. He said this involved fairness and someone's livelihood. He said there were a lot of others that feel this way that want to know why Ms. Cagle was released. He said he understood that when she left she had six months left to collect on a 10-year pension which is heartless to dismiss someone this close to retirement. He then asked again why she was released. Mayor Shipley asked Commissioner Harmon if he would like to answer this question. Commissioner Harmon said no. Mayor Shipley said on February 13th, Commissioner Harmon told Ms. Cagle that they would be able to work together but on Monday, February 16th he went back to her office saying he couldn't because someone had played him a tape of her saying things against him. Later he was told that this was done by a city employee. He added there is no way to know when the tape was made. He asked Commissioner Harmon if he did in fact, in her office on February 16th, offer her \$9,000 to resign. Commissioner Harmon said he did not, that she came to his office that afternoon, when he told her that if she would consider retiring, he would make a motion to offer her \$1,000 a year if she retired. Mayor Shipley asked if he felt confident that he could get three votes. Commissioner Harmon said he did not know but I do know that you met with me three times on Monday to discuss this. Mayor Shipley said he did to make sure he would do what he offered. Mr. Dillon said it was his understanding that the Commissioners were legislators and not dictators, adding that there needs to be some serious changes in Soddy-Daisy. He said he was concerned for city employees when the different departments or jobs are being nitpicked. He said he ran for Commissioner the last election and plans to run in the next one. Mayor Shipley asked Mr. Dillon if he heard any negative comments about Ms. Cagle during the last election. Mr. Dillon said not many saying that the Board has done a fine job over the past few years but now he felt it has gone back 50 years. Nancy Jo Ogozalek, 10707 Lovell Road, said she was a taxpayer, property owner and a voter in Soddy-Daisy. She said she read with dismay the article in the Community News where it appears that there are back room shenanigans going on at city hall. She said she wanted the Commission to know that the public will be watching.

Mamie Sherrill, 678 Dogwood Terrace, requested that a bridge be cleaned up at Pruett Street. She said there are two mounds of dirt covered in kudzu that needs to be cleaned up. She said when the bridge was removed she thought there were plans to barricade it permanently or maybe to replace it. Vice-Mayor Privett asked if there were guardrails on both sides. Public Works Director Renfro reported that there was a guardrail on one side and the dirt on the other. Vice-Mayor Privett asked that the City Manager get with Mr. Renfro to

get this area cleaned up. Mayor Shipley said he was discussing this with Ms. Cagle before she left. He advised that he has been asked by several residents in the area to put the bridge back. He understood that the State of Tennessee had to be involved when later he found out that may not be the case. If the State is involved, it would cost \$400,000 with most of the cost being engineering. He said he felt the city could put it back and if nothing else at least a walking bridge. He stated a close resident to the bridge, Raymond Keith, had a walking bridge on his property having to contend with others walking through his yard using it. Commissioner Adams suggested removing the dirt and replacing it with a guardrail. Vice-Mayor Privett said when the bridge was removed the Board was told that it comes under the bridge law, that the State had jurisdiction on all bridges and it would cost in excess of \$50,000 to fix it. Ms. Sherill asked why something permanent wasn't put in when it was removed. Vice-Mayor Privett said the bridge was condemned by the State inspectors and asked that the record show that Mr. Keith came to him saying he wanted the bridge removed but for him not to tell anyone because his neighbors would be mad at him. He went on to say that if two tiles can put the road back in then do so, but the Board was told the bridge had to come out. Commissioner Adams said he felt the City must meet certain criteria from the State for replacement. City Attorney Elliott suggested contacting the Department of Transportation. City Recorder Burris said she would get with Mr. Renfro and check into a solution.

Ronnie McNew, 915 Green Pond Road, asked why the City doesn't bid out some of their work for contractors who need the business. Mayor Shipley said the bathrooms at Holly Park were bid out recently and the cost was in excess of \$40,000, this is one reason why more work is not placed out for bid. Mr. McNew suggested having a contractor's bid list on file at city hall to be contacted when there is work to be done, saying it may be that the contractor can do it cheaper. He added until someone checked into it, you won't know what is the best option.

Kathleen Penney, 245 Cox Lane, asked the status of the emergency exit for her neighborhood. Mayor Shipley said the request had been sent along with engineered drawings, but no response as yet. Ms. Penney asked if someone in the area gets sick and the track is blocked, can the individual sue. City Attorney Elliott agreed it was a dangerous situation but legally didn't have an answer. Mayor Shipley asked City Recorder Burris to check into the status of the request.

Mr. Dillon spoke again asking the individual Commissioners if they could work with Ms. Cagle. Commissioner Adams responded yes as did Mayor Shipley. Commissioner Skiles responded "on some things he could and some he couldn't." Commissioner Harmon and Vice-Mayor Privett stated some times.

Jackie Penney, 204 Hyatte Road, said he grew up in the City and remembered when people did not want to come here. It had become a place where people wanted to live and work. Now it is a place where politics and personal agendas make the front page. He said he felt it was time for the Commissioners to lay aside their

personal agendas and get back to working together to make the City prosper.

Freddie Hawkins said he was present at the last meeting when he saw Ms. Cagle resign and not fired so why is this an issue? Mayor Shipley said she had a choice, to resign or get fired. Mr. Hawkins said it was his feeling that if he were standing on good ground, he wouldn't have resigned, he would have fought. Mayor Shipley said she couldn't have won that fight. City Attorney Elliott stated that the city manager serves at the will of the Commission.

Rita Shipley, 11668 Walker Road, suggested before hiring another city manager that the rules be changed on hiring and firing. She asked who would want the job knowing that they could be fired with a vote of three commissioners.

Laura Oakley, Dallas Hollow Road, said she also was here at the last meeting where there was a hiring freeze implemented. She questioned if there is a hiring freeze across the board, how can you replace the city manager. Vice-Mayor Privett said for clarification, it was for all personnel for hiring, firing, and promotions.

Steve Everett, 10122 Walden Street, said the city attorney stated that this is a commission form of government asking why does the city pay department heads if Commissioners are going to investigate crimes and micro manage the departments. He stated he worked here many years as well as for the City of Red Bank where he was asked to resign or be fired. He said it is hard to do your job when there are people running in and out complaining. The department heads know their jobs and can run their departments if allowed to. He said there are too many people wanting to micro manage rather than doing their jobs as legislators. He asked why Ronnie Layne was so special that he didn't get a ticket, why Officer Billy Petty was investigated and then cleared by internal affairs and why was the person making the formal complaint not charged for filing a false police report when this is a criminal charge. He asked if they had any answers. Commissioner Harmon said he had no problems with anyone, adding that Mr. Renfro was doing a good job, but if he sees some way things can be done better, he felt he could make suggestions. If this can't be done, then he is wrong. Mr. Everett asked the Board if there was any concern that Commissioners were doing their own investigating of crimes and getting in officers and the police chief's face or do we just let it go? He ended by saying he was asked by members of this Board not to speak tonight but felt all should be held accountable.

Mr. Hawkins said if it is accountability, for example Mr. Renfro, he answers to someone and it is this Board. Commissioner Adams corrected Mr. Hawkins saying that Mr. Renfro answers directly to the city manager. Mr. Everett disagreed with Mr. Hawkins saying if this were allowed as he said, then this would be micro managing and that no officer should be directly addressed by a member of the Board.

City Recorder Burris presented a request for purchase of roll up doors for the storage building at the KIDS park. Three prices were received with the lowest cost at \$4,585 from Overhead Door. It was noted by

Vice-Mayor Privett that the purchase was for three doors. A motion was made by Commissioner Adams and seconded by Commissioner Harmon to approve the purchase request and the motion carried.

City Recorder Burris presented invoices from P & S Concrete in the amount of \$6,735 for concrete used on Daisy Dallas Road. She noted that this was being paid out of street aid funds. A motion was made by Commissioner Adams to approve the payment as presented. The motion was seconded by Commissioner Harmon and the ayes were unanimous.

City Recorder Burris presented another invoice for payment approval from Barry Higgins Construction in the amount of \$4,600. She explained that \$1,800 was for a two-week rental of a loader to clean up the brush site and to relocate the mulch and \$2,800 was the charge for one month rental of a trackhoe used to cut the roadway. She asked that the \$1,800 be paid from the reserve expense line in the budget and the remainder from street aid. A motion was made by Commissioner Adams to approve the payment as presented. The motion was seconded by Commissioner Harmon and the motion carried unanimously.

City Recorder Burris presented an invoice from Card's Paving in the amount of \$6,971.19 for placement of asphalt on West Walden Street, asking that this be paid from the reserve expense account. A motion was made by Commissioner Adams and seconded by Commissioner Harmon to approve payment as presented and the ayes were unanimous. It was noted that the line item for road repairs in the street aid fund had exceeded the budget. City Recorder Burris stated that will have to be addressed before the budget year ends.

Commissioner Skiles commended the police department for holding overtime cost down. He asked the status for installation of the new in car cameras. Chief Hamrick stated that the representative will be here on March 16th to begin the installations.

Vice-Mayor Privett asked Mr. Renfro to look at a road repair needed at 126 Industrial Park Drive.

Mayor Shipley questioned Chief Hamrick if they were having success in holding down burglaries. Chief Hamrick said that several had been cleared and yes, calls were down. Mayor Shipley asked if they had given any thought to resuming or forming a neighborhood watch program. At this time there were no comments.

City Recorder Burris stated that there was a proposal included in the packet from Chief Hamrick requesting the purchase of two patrol cars and two radios which are budgeted items. Chief Hamrick gave the state pricing for Chevrolet Impalas from Alexander Fleet Sales at \$21,736 each or \$43,472. He gave the budget for the radios at \$12,000 for three radios, but that only two were needed. He said he could purchase the cars totally equipped from Alexander for a total cost \$49,606 which is \$18,587 under budget. A motion was made by Commissioner Adams to approve the purchase as requested. The motion was seconded by Commissioner Harmon and the motion carried unanimously.

ADJOURNMENT 8:43 P.M.

RECORDER SARA BURRIS